

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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| UNITED STATES OF AMERICA, |) | Criminal No. 24-025 (ECT/TNL) |
| |) | |
| Plaintiff, |) | |
| v. |) | DEFENDANT'S PRETRIAL MOTION |
| |) | TO SUPPRESS FRUITS OF |
| JON MICHAEL ASK, |) | UNLAWFUL ARREST AND |
| |) | SEARCHES AND SEIZURES |
| Defendant. |) | |

Jon Michael Ask, through the undersigned attorney, James S. Becker, respectfully moves the Court, pursuant to Rule 12 of the Federal Rules of Criminal Procedure to suppress any physical evidence obtained as a result of the following incidents:

1. On April 10, 2023, Mr. Ask was arrested by the Kasson police department. Mr. Ask does not believe that there was sufficient probable cause for his arrest at that time.

2. On June 15, 2023, Detective Tindal of the Rochester police department applied for a search warrant for a pen register, trap-and-trace, and location tracking as applied to a phone number associated with Mr. Ask. Mr. Ask believes that the search warrant issued here was without a sufficient showing of probable cause in the supporting affidavit and was therefore issued in errors such that the search warrant involved was executed in an illegal and unlawful manner.

3. On July 14, 2023, Detective Tindal of the Rochester police department applied for a search warrant for Mr. Ask's person and the vehicle in which he was a passenger. Mr. Ask believes that the search warrant issued here was without a sufficient showing of probable cause in the supporting affidavit and was therefore issued in error

such that the search warrant involved was executed in an illegal and unlawful manner. Further, to the extent that any consent to search was given by defendant or any other person was invalid as coerced or beyond that person's apparent authority.

4. On July 18, 2023, Investigator Hilowle of the Rochester police department applied for a search warrant for three addresses, one of which was Mr. Ask's residence. Mr. Ask believes that the search warrant issued here was without a sufficient showing of probable cause in the supporting affidavit and was therefore issued in error such that the search warrant involved was executed in an illegal and unlawful manner.

5. On July 21, 2023, Investigator Hilowle of the Rochester police department applied for a search warrant for Mr. Ask's residence. Mr. Ask believes that the search warrant issued here was without a sufficient showing of probable cause in the supporting affidavit and was therefore issued in error such that the search warrant involved was executed in an illegal and unlawful manner.

6. On August 30, 2023, Detective Tindal of the Rochester police department applied for a search warrant for Mr. Ask's residence and garage. Mr. Ask believes that the search warrant issued here was without a sufficient showing of probable cause in the supporting affidavit and was therefore issued in error such that the search warrant involved was executed in an illegal and unlawful manner. Further, to the extent that any consent to search was given by defendant or any other person was invalid as coerced or beyond that person's apparent authority.

This Motion is based on the indictment, the records and files in the above-entitled action, and any and all other matters which may be presented prior to or at the time of the hearing of said motion.

Meet and Confer Obligation: After the government disclosed Rule 16 materials to the defense, the parties conferred on April 5, 2024, regarding the issues raised in this motion.

Dated: April 8, 2024

Respectfully submitted,

s/ James S. Becker

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